

**Filed 7/2/04 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2004 ND 143

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Ag Acceptance Corporation,  
as assignee of Ag Services  
of America, Inc.,

Plaintiff and Appellee

v.

Alexander Farms, Inc.,  
Donald J. Alexander and  
Ethel Alexander,

Defendants

Donald J. Alexander,

Defendant and Appellant

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No. 20040005

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Appeal from the District Court of Sheridan County, South Central Judicial  
District, the Honorable Thomas J. Schneider, Judge.

AFFIRMED.

Per Curiam.

Jon R. Brakke and Daniel R. Conrad, Vogel Law Firm, P.O. Box 1389, Fargo,  
N.D. 58107-1389, for plaintiff and appellee; submitted on brief.

Donald James Alexander, pro se, 2081 22nd Street NE, Martin, N.D. 58758,  
for defendant and appellant; submitted on brief.

**Ag Acceptance v. Alexander Farms**

**No. 20040005**

**Per Curiam.**

[¶1] Donald Alexander (“Alexander”), together with Gene Zimmerman and Joe Merkel as assignees of Ethel Alexander, appealed an order for judgment<sup>1</sup> in a collection action by Ag Acceptance Corporation (“Ag Acceptance”) as assignee of Ag Services of America, Inc.

[¶2] Ag Acceptance sued Alexander Farms, Inc., Alexander, and Ethel Alexander to recover under a promissory note alleged to be in default. The trial court ordered entry of a judgment against Alexander and Alexander Farms, Inc. A judgment was entered against Alexander Farms, Inc., and Alexander in favor of Ag Acceptance for \$198,575.04, allowing Ag Acceptance to retain its security interest in the defendants’ personal property, and allowing Ag Acceptance to recover its collateral by any available process.

[¶3] Alexander, Zimmerman, and Merkel appealed the order for judgment, contending the trial court did not have jurisdiction, the court erred in ordering summary judgment when there were material issues of fact in dispute, and the court erred in ordering that “Defendants perjure their signatures” on Federal farm program documents.

[¶4] The judgment is affirmed under N.D.R.App.P. 35.1(a)(6).

[¶5] Gerald W. VandeWalle, C.J.  
Dale V. Sandstrom  
Mary Muehlen Maring  
William A. Neumann  
John C. McClintock, Jr., D.J.

[¶6] The Honorable John C. McClintock, Jr., D.J., sitting in place of Kapsner, J., disqualified.

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<sup>1</sup>Although an order for judgment is not appealable, we will treat this as an appeal from the subsequently-entered consistent judgment. See, e.g., Haugenoe v. Bambrick, 2003 ND 92, ¶ 1 n.1, 663 N.W.2d 175.